

EXHIBIT 1

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

) MDL No. 2419
) Dkt. No. 1:13-md-2419-RWZ

This Document Relates to:

Keyes v. Specialty Surgery Center, et al.,
Dkt. No. 1:13-cv-12998

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

On December 16, 2016, Specialty Surgery Center, PLLC (“SSC”) moved to dismiss the Plaintiff’s complaint, *with prejudice* for failure to comply with Tenn. Code Ann. § 29-26-122. [Doc. 21].¹ SSC argues that this case should be treated like eight (8) cases against SSC already dismissed by this Court at Doc. 3188², termed the “Remaining Actions.” The PSC filed a response to the motion to dismiss at Doc. 3281 incorporating by reference the PSC’s prior briefing regarding the “Remaining Actions” (Docs. 3121, 3122, and 3168).

The Court agrees with SSC that this case fits into the category of cases termed the “Remaining Actions.” Accordingly, this case is hereby dismissed *with prejudice* for the same reasons the Court dismissed the Remaining Actions at Doc. 3188.

DATE _____

RYA W. ZOBEL
SENIOR UNITED STATES DISTRICT JUDGE

¹ This is the document number in the individual *Keyes* docket, 1:13-cv-12998.

² This document number refers to the main NECC MDL docket, 1:13-md-2419.